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Arizona Corporation Commission (ACC)
Docket Control Center
1200 West Washington Street
Phoenix, AZ 85007-2996

Re: Response to APS comments on Sample Orders, Docket # E-01345A-13-0069

Commissioners;

APS comments on the ACC's "sample orders" in the above docket are the usual APS falsehoods and misinformation. However, there is a new aspect to these particular APS comments which is the shrill tone of strained desperation. APS's delusional condition appears to have progressed, and it is troubling to see that, throughout its comments, APS gives itself over to fantasy.

APS still does not realize that, according to ACC Decision # 69736, their "smart" meter program is an optional metering program. As such, customers who did not "opt in" for having a "smart" meter owe APS nothing and have not caused any new costs since their level of service has not changed or been upgraded in any way.

APS says their extortion fee for persons not wishing to be harmed by "smart" meters "... merely introduces a new offering for residential customers wishing to retain specialized metering."

My electric meter is not special nor has it ever been classified as such in law or by any ACC decision. I am quite sure it's the same one that's been on the house for years.

Additionally, there is no "new offering." My level of service supplied by APS has not changed. APS just wants more money, more money for supplying what is in actual fact an "old offering."

Discussing ACC Sample Order # 2, APS appears to be very confused. APS wrote:

> "There is also mention of a deferral of costs not recovered by APS in the interim by the monthly and one-time charges authorized by Decision No. 74871."
> [APS comments, page 2, line 8]

Uh no, APS, there is no mention of "deferral of costs" *anywhere* in Sample Order # 2.

None.

You made that up, APS.

In my opinion, APS's lawyers (or whoever it was who wrote and vetted APS's comments) need to seek help. They may be suffering from their own toxic technology. One of the most common symptoms

of Microwave Sickness is cognitive impairment, often manifesting as memory loss and brain fog or difficulty concentrating.

From Merriam Webster's medical dictionary:

> "**Microwave Sickness**: a condition of impaired health reported especially in the Russian medical literature that is characterized by headaches, anxiety, sleep disturbances, fatigue, and difficulty in concentrating and by changes in the cardiovascular and central nervous systems and that is held to be caused by prolonged exposure to low-intensity microwave radiation."

In any case, APS's comments deteriorate throughout the document.

In its further discussion of Sample Order # 2, APS wrote,

> "If the Commission believes that additional hearings are necessary, such hearings should be limited in scope and duration.
> *Limited Scope:*
> Intervenors have shown a clear propensity to raise every conceivable issue about not only AMI, but the Commissioners (both in Arizona and elsewhere), Commission Staff, ADHS and its staff, Open Meeting Law, weapons of mass destruction, mutated broccoli, etc. Virtually all of these contentions have literally nothing whatsoever to do with Service Schedule 17 and litigating them all would drag this matter on for another two years."
> [APS comments, page 3, line 17 to page 4, line 1]

What APS refers to as "these contentions" have *everything* to do with so-called Service Schedule 17, APS's extortion fee.

Of course Interveners "have shown a clear propensity to raise every conceivable issue." We have done that because neither the ACC nor APS would!

Indeed, I made that very point in my appeal of Decision # 74871.

Pages 4 through 13 of my appeal list many serious issues that the ACC never even considered in Decision # 74871 or in the two highly superficial ACC "smart" meter meetings held prior to the meeting in which the Decision was made.

Many of those unconsidered issues are ones that involve harm – or the threat of harm – of customers by "smart" meters. The payment that so-called Service Schedule 17 would require of customers in order for them to avoid the harm of those unconsidered issues is called **extortion**. (My appeal is here: http://images.edocket.azcc.gov/docketpdf/0000159183.pdf .)

APS mentioned that Interveners have made the commissioners themselves and the ACC staff an issue. Actually the commissioners and the ACC staff made themselves an issue.

The ACC Executive Director, some of the ACC staff as well as three out of the five commissioners who voted in favor of Decision # 74871 are currently implicated in a corruption scandal (a scandal in which APS is also implicated). So of course they are an issue. Thank you for raising that

point, APS, as well as the recent ACC Open Meeting Law violation which I placed in the docket as just another example of the overall pattern of lawlessness which has become obvious at the ACC.

ACC staff also made themselves an issue by being incompetent and biased in favor of APS as I have chronicled over the years and recently provided concrete evidence of via the scandalous ACC and ADHS emails obtained by a public records request. Unfortunately, ACC staff recommendations have a direct effect not just on the Interveners but on all Arizonans. So the ACC staff *are* an issue.

Likewise, commissioners "elsewhere" are an issue because APS and the ACC made them an issue.

Last January APS's lawyer Thomas Mumaw sent Maureen Scott of the ACC's Legal Division a decision made by the California Public Utilities Commission (CPUC) that the two of them had evidently talked about previously. Mumaw accompanied the CPUC decision with a letter to Scott in which he wrote:

> "This decision addresses the cost of utility opt-out programs, who should bear that cost, and the exclusive use of analog meters as the non-standard meter used for opt-out customers."
> [Mumaw's letter is here: http://images.edocket.azcc.gov/docketpdf/0000159734.pdf]

However, as I have detailed in at least four letters subsequent to APS's letter to ACC's Scott, the CPUC was (and still is) mired in a major corruption scandal regarding the utility companies the CPUC was supposed to be regulating before *and* when the CPUC made their decision.

CPUC and California utility executives' emails have revealed that just about every aspect of California's "smart" meter program are based on fraud and corrupt dealings between the CPUC and the executives. In other words, the California decision that APS sent ACC's Scott is not a model for anything except the degrading power of corruption. The California decision is therefore invalid as a reference point for the ACC, and it should be considered the utility propaganda that it is.

Because of the serious ethics violations surrounding the California decision, it is currently under appeal.

My letters to the ACC in response to the fraudulent decision that APS promoted were posted in this Docket # E-01345A-13-0069 on 2/9/15, 2/10/15, 3/4/15, and 3/16/15, here:
http://images.edocket.azcc.gov/docketpdf/0000160273.pdf ,
http://images.edocket.azcc.gov/docketpdf/0000159960.pdf ,
http://images.edocket.azcc.gov/docketpdf/0000160459.pdf ,
http://images.edocket.azcc.gov/docketpdf/0000162533.pdf .

I am glad APS mentioned that we have made the Arizona Department of Health Services (ADHS) and its staff an issue – because they are. Repeatedly, and in great detail, I have proved just that in previous writings to the ACC.

I'll also point out that both the ACC and APS have made reference to the ADHS when it suited them. Indeed, in an attempt to make a point in these very comments of APS's that I am now writing about, APS referenced the ADHS just 24 lines previous. Despite APS's apparent desire to now control speech, Interveners have the same right as both the ACC and APS to reference the ADHS in making

points.

The phrase "weapons of mass destruction" is not off subject. While I do not speak for Intervener Pat Ferre, she has explained repeatedly how a "smart" meter and the "smart" grid fit the definition of a weapon of mass destruction.

"Mutated broccoli" was not brought up by any Intervener that I know so it looks like APS got confused again. However it *was* one of the problems Sedona resident Marianna Hartsong experienced, chronicled and docketed very shortly after her property was surrounded by many APS "smart" meters. Other problems Hartsong experienced coincident with that were bee colony die-off, discolored and malformed hen eggs, and very severe health issues in Hartsong herself.

By the way, animals are incapable of psychosomatic illness. Hens that lay brown eggs do not lay white eggs – except hers started to after the "smart" meters surrounded them. The shells were all gnarly with bumps. It is well known in animal husbandry that gnarly, bumpy eggshells demonstrate too much calcium in the feed. Yet Hartsong had not changed the birds' feed. The birds experienced efflux (giving off) of calcium, a symptom of microwave sickness.

In what looks like a desperate attempt to limit the scope of any future hearing, APS wrote:

> "In fact, there are only two issues even arguably in need of further examination: (1) the monthly and one-time charges authorized for Service Schedule 17 by Decision No. 74871; and (2) the application of Service Schedule 17 to residential customers having distributed generation."
> [page 4, lines 1 to 4]

APS is wrong. "In fact," not only are there issues "in need of further examination," there are many issues that have never been examined at all. Again, they are all listed and explained in detail in my appeal of Decision # 74871.

Then APS wrote,

> "Any Commission decision adopting the Hearing Option should be clear as to the appropriately limited scope of such a hearing.2"
> [page 4, lines 4 & 5]

'Appropriate' to whom? APS no doubt.

It seems to me if APS was confident of every and all aspects of its "smart" meters and "smart" grid, then it would welcome a broad-based and thorough investigation of same instead of one with an "appropriately limited scope."

By the way, the "2" footnote above corresponds with:

> "APS would also note that Mr. Woodward is also pursuing his broad agenda of AMI-related issues in Docket No. E-01345A-14-0113, a complaint proceeding in which Ms. Ferre is a party as well."

APS gets it wrong again. Ms Ferre is only "a party" to my consumer fraud complaint against APS

in so far as she – along with eleven other individuals – wrote comments to its docket. That was before the judge hearing the case told me that comments from the public were not welcome in that docket. Had I known that from the start there would have been no public comments. (As a side note, the ACC was so incompetent in its handling of my complaint that it did not even tell me about the docket it had opened for my complaint.)

As well, being as my case against APS is a consumer fraud complaint, it is not just about my "broad agenda of AMI-related issues," but also about truth in general. APS told lies and I got sick of hearing them.

Far from a "broad agenda," I pursued the complaint for two reasons: 1) the ACC would not do anything about the lying (indeed, ACC staff claimed it was corporate free speech), and 2) our state Attorney General's office refused to enforce the Consumer Fraud statute as written, as though there was some sort of exemption in the statute carved out for wayward utilities whereby their violations get heard by the ACC instead of investigated by the Attorney General. More corruption, anyone?

Apparently worried that an evidentiary hearing might take longer than it has patience for, APS wrote:

> "*Limited Duration:*
> APS has already produced to Staff cost information supporting charges as high as $21 per month and a one-time charge of $75 for customers switching from AMI to analog metering. Although Intervenors' dispute the Company's information and Staff's subsequent findings, they have not offered let alone presented any evidence to the contrary."
> [page 4, lines 7 to 11]

APS's so-called "cost information supporting charges" are nowhere to be found in the Docket. APS supplied some tables of various numbers but those are not "cost information supporting charges." From page 11 of my appeal of Decision # 74871:

> "As the lawyer intervening for the City of Sedona stated at the December 12th, 2014 ACC open meeting, "APS's request is not evidence. It's a request for a fee."

Another thing Sedona's lawyer pointed out at that meeting was that APS already had an existing fee of $16 for a separate, single, off-schedule meter read, so how did APS justify $21 per month? APS never responded. The ACC never pursued the point.

Additionally, referencing the ACC 2007 "smart" meter Decision # 69736, I wrote in my appeal that:

> Interestingly, a "finding of fact" that arose from this dereliction of duty called a Decision was:
>
> > "The communication cost per AMI meter was about $0.15 per month, compared to a meter read cost of about $0.90 per conventional meter."
>
> God only knows how that was derived. No analysis is given in the Decision.

> But if the numbers given for meter reading are true – which is doubtful – what those numbers say is that reading an analog meter is six times the cost of reading a "smart" meter. 15 2007 cents is worth 17 cents today. Times 6 is $1.02. It is *not* the $5 the ACC thinks is a fair price for reading an analog meter today.
> [pages 12 & 13]

Nor is it the $21 that APS requested.

So APS's assertion is false. Interveners *have* in fact presented "evidence to the contrary."

Moving through APS's comments, they just worsen. APS seems incapable of backing up its claims with facts. As I said, APS is given over to fantasy. APS says,

> "The application of Service Schedule 17 to residential rooftop solar customers, although perhaps less straightforward, is itself a relatively narrow issue despite claims by Intervenors to the contrary. There is no reason why this proceeding need last more than 180 days, start to finish."
> [page 4, lines 11 to 14]

Actually, if APS continues to mislead, ignore issues, make stuff up and etc., there is *every* reason that *any* proceeding involving them could take who knows how long. It often takes me pages to thoroughly refute just one APS sentence.

Notice how APS claimed that the current discrimination in Decision # 74871 is "... a relatively narrow issue despite claims by Intervenors to the contrary." Yet APS offered nothing to back up that claim. It's just bluster. I wrote pages explaining the issue in my appeal. APS offered one sentence of unsupported denial. No wonder APS thinks it can get a proceeding over with according to its timetable.

Notice also that APS has not addressed all the other discrimination inherent in Decision # 74871. As I pointed out in several places in my appeal of the Decision, commercial and Time Of Use customers are discriminated against also. Like the ACC, APS seems to be hoping that leaving issues unmentioned will make them go away.

To top that off, because others and I continue to bring up the unmentioned issues, as well as new issues that bear on "smart" meter policy such as the scandals here and in California, APS whined that we "endlessly prolong debate on an ever-expanding list of issues." APS proclaimed "Enough is enough."

Enough will be enough when justice is served, no sooner, no later.

Sincerely,

Warren Woodward
Intervener